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Letter dated 31 August 2012 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea entitled "Democratic People's Republic of Korea terms hostile United States policy main obstacle in resolving nuclear issue", released on 31 August 2012 (see annex).

I should be grateful if you could have the present letter and the annex thereto circulated as a document of the Security Council.

(*Signed*) **Sin** Son Ho
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Permanent Representative

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Annex to the letter dated 31 August 2012 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Democratic People's Republic of Korea terms hostile United States policy main obstacle in resolving nuclear issue

Memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

On 20 July last, the Ministry of Foreign Affairs of the Democratic People's Republic of Korea announced that it has reached the point of having to completely re-examine the nuclear issue due to the continued hostile policy of the United States towards the Democratic People's Republic of Korea.

The hostile United States policy is the root cause that has turned the Korean peninsula into the most dangerous hotspot in the world, and it is also the main obstacle to durable peace and stability.

The nuclear issue on the Korean peninsula is none other than the outcome of the hostile United States policy, and therefore only when the United States abandons its hostile policy will it be possible to resolve the issue.

The Ministry of Foreign Affairs of the Democratic People's Republic of Korea issues the following memorandum to shed light on the contrast between the United States claim of having no hostile intent towards the Democratic People's Republic of Korea and its actual behaviour.

1. The hostile concept that blocks the settlement of the nuclear issue

An important agreement was announced on 29 February 2012 as a result of the high-level talks between the Democratic People's Republic of Korea and the United States. The United States reaffirmed that it no longer has hostile intent towards the Democratic People's Republic of Korea and that it is prepared to take steps to improve the bilateral relations in the spirit of mutual respect for sovereignty and equality, and agreed to provide a substantive amount of food assistance to the Democratic People's Republic of Korea. The Democratic People's Republic of Korea, considering the concerns of the United States, agreed to a moratorium on nuclear tests, long-range missile launches and uranium enrichment activity while productive dialogues continue.

However, when the Democratic People's Republic of Korea launched "Kwangmyongsong 3", an artificial satellite for peaceful purposes, on 13 April last, the United States took issue with it, arguing that the space launch was based on the same technology as the long-range missile launch, and went ahead with unilaterally abrogating the 29 February agreement, upgrading sanctions on the Democratic People's Republic of Korea.

It is true that both satellite carrier rockets and missiles with warheads use similar technology. However, when other countries conduct a satellite launch, the United States neither takes issue with any of it, calling it a missile launch, nor takes

actions such as imposing sanctions. The United States saw our satellite carrier rocket as a long-range missile that would one day reach the United States because it regards the Democratic People's Republic of Korea as an enemy.

That is the reason why the first agreement reached between the Democratic People's Republic of Korea and the United States since the Obama administration took office ended up in failure, as have previous Democratic People's Republic of Korea-United States agreements.

At the beginning of the Democratic People's Republic of Korea-United States bilateral talks held during the Clinton administration, the United States pledged "assurances against the threat and use of force, including nuclear weapons" (Democratic People's Republic of Korea-United States Joint Statement, 11 June 1993).

At the final stage of the bilateral talks, the United States agreed to "move towards full normalization of the political and economic relations" with the Democratic People's Republic of Korea (Democratic People's Republic of Korea-United States Agreed Framework, 21 October 1994).

The United States also declared that it would not have hostile intent towards the Democratic People's Republic of Korea (Democratic People's Republic of Korea-United States Joint Communiqué, 12 October 2000).

However, all these commitments were not honoured, but were broken off overnight with the change of each United States administration.

The Bush administration turned down all the Democratic People's Republic of Korea-United States agreements reached during the Clinton administration, listed the Democratic People's Republic of Korea as an "axis of evil" and singled it out as a target of pre-emptive nuclear strike (State of the Union Address, 30 January 2002, and Nuclear Posture Review, March 2002).

The extremely dangerous hostile policy pursued by the Bush administration forced the Democratic People's Republic of Korea to withdraw completely from the Treaty on the Non-Proliferation of Nuclear Weapons and direct its peaceful nuclear power industry for producing electricity to the building-up of a self-defensive nuclear deterrent.

At the six-party talks, the United States affirmed that it has "no intention to attack or invade the Democratic People's Republic of Korea with nuclear or conventional weapons" (Joint Statement of the Six-Party Talks, 19 September 2005).

As action steps to implement the 19 September Joint Statement, the United States gave assurances that it would improve relations with the Democratic People's Republic of Korea and move towards full diplomatic relations (Six-Party Talks Agreements, 13 February and 3 October 2007).

However, four years have elapsed since the last round of the six-party talks, which was held in December 2008 and has not yet resumed. During the intervening time, the level of United States hostility towards the Democratic People's Republic of Korea was not lowered, but further increased.

The first step the Obama administration took towards the Democratic People's Republic of Korea was taking issue with the Democratic People's Republic of Korea's launch of the peaceful satellite "Kwangmyongsong 2".

The extreme hostile policy of the United States aimed at depriving the Democratic People's Republic of Korea of its sovereign right to the peaceful use of outer space, a right recognized by international law, referred to the Democratic People's Republic of Korea's self-defensive response, namely, another nuclear test. It again led to the repetition of the vicious cycle of mistrust and confrontation; the United States imposed ever harsher sanctions on the Democratic People's Republic of Korea; and the Democratic Republic of Korea responded by starting the construction of a light-water reactor on its own and the production of enriched uranium to meet the fuel needs for the light-water reactor.

The reality proves that unless the long-held hostile concept of the United States towards the Democratic People's Republic of Korea is rooted out entirely, nothing can be resolved; rather, the confrontation and the risk of conflict will increase.

In the early stages of the Democratic People's Republic of Korea-United States talks, the Democratic People's Republic of Korea maintained that the United States should first abandon its hostile policy in order to resolve the nuclear issue, whereas the United States insisted that the Democratic People's Republic of Korea should first give up its nuclear programme in order to normalize the Democratic People's Republic of Korea-United States relations. In the process, thanks to the sincerity and generosity of the Democratic People's Republic of Korea, the principle of simultaneous action steps, known as "word for word" and "action for action", was agreed upon and served as the basis for the Dialogue.

The 20-year-long history of the talks between the Democratic People's Republic of Korea and the United States has shown that even the principle of simultaneous action steps is not workable unless the hostile concept of the United States towards the Democratic People's Republic of Korea is removed.

2. The root of the hostile policy of the United States towards the Democratic People's Republic of Korea

The hostile policy of the United States towards the Democratic People's Republic of Korea has deep historical roots. The post-war generation in the United States and other countries has no proper understanding of the historical roots of the hostile United States policy towards the Democratic People's Republic of Korea; they are not aware of the fact that the nuclear issue on the Korean peninsula stems from the hostile United States policy towards the Democratic People's Republic of Korea and even misunderstand that the United States is hostile to the Democratic People's Republic of Korea because of the nuclear issue.

The fact is that the hostility of the United States towards the Democratic People's Republic of Korea is not based on the nuclear issue of the Korean peninsula. The Democratic People's Republic of Korea had no other choice but to develop nuclear weapons, because of the hostile policy and the increasing nuclear threat from the United States, which is the world's biggest nuclear power.

From the very beginning, the United States defined the Democratic People's Republic of Korea as an enemy and refused to recognize its sovereignty. The United States continued to step up its hostile moves against the Democratic People's Republic of Korea, with the ultimate goal of overthrowing the political system of our people's choice.

The institutional and legal mechanism against the Democratic People's Republic of Korea was in place long before the rise of the nuclear issue. Military attacks and nuclear threats aimed at eliminating our ideology and system have been openly committed, and economic sanctions and international pressure for isolating and suffocating the Democratic People's Republic of Korea have been persistent.

The end of World War II meant the beginning of the Cold War between the East and the West. The United States needed a bridgehead to contain the "southward expansion" of the then Soviet Union and to make an inroad into the Eurasian continent. It was out of this requirement that the United States hurriedly drew a line along the 38th parallel before the surrender of Japan in order to secure that bridgehead. This led to the tragic division of the Korean nation and its territory.

For the United States engaged in the Cold War, the area south of the 38th parallel was its ally and that north of it was the enemy.

It is a general international practice for States to establish diplomatic relations with a new independent sovereign State. The establishment of diplomatic relations between countries does not necessarily mean especially favourable sentiment or close friendship; it is an indication of political stand that they regard each other as an equal part of the international community.

Despite the differences in political ideologies and systems, the United States established diplomatic relations with the former Soviet Union as well as other socialist countries in Eastern Europe. However, the United States refused even to call the Democratic People's Republic of Korea by its official name, to say nothing of the establishment of diplomatic relations.

The United Nations recognized the sovereignty of the Democratic People's Republic of Korea when it joined it in 1991. The Democratic People's Republic of Korea currently maintains diplomatic relations with 166 countries, which account for about 86 per cent of the United Nations membership. The United States, however, refuses to recognize the Democratic People's Republic of Korea as a sovereign State with which it may coexist in the international community.

Out of 193 Member States of the United Nations, only the Democratic People's Republic of Korea, together with Iran and Cuba, have no diplomatic ties with the United States. This clearly shows that the United States pursues an extremely hostile policy towards these countries — an unprecedented case in the history of contemporary international relations. The hostile policy of the United States towards the Democratic People's Republic of Korea finds its clearest expression in the military area.

The Democratic People's Republic of Korea and the United States have been technically at war against each other for more than 60 years, even after the end of the war; no comparable example can be found in modern history.

The Korean Armistice Agreement, concluded on 27 July 1953, is by no means an agreement that officially ended the war. Nor is it a lasting peace treaty. The

Korean Armistice Agreement was a transitional measure aimed at withdrawing all foreign troops from the Korean peninsula and ensuring permanent peace.

However, the United States deliberately chose to prolong the status of armistice. In November 1953, the United States defined as its ultimate goals on the Korean peninsula maintaining the ceasefire regime, making south Korea its "military ally" and preventing the spread of communism across the entire Korean peninsula until "pro-United States unification" was achieved (United States National Security Council Resolution No. 170).

Accordingly, the United States intentionally broke off the Geneva conference on the peaceful resolution of the Korean issue in June 1954 and violated and nullified the key provisions of the Korean Armistice Agreement step by step by introducing modern military equipment, including nuclear weapons, into south Korea and by stepping up aggressive military exercises.

The United States turned down numerous peace proposals and initiatives put forward by the Government of the Democratic People's Republic of Korea, such as the proposal for the conclusion of a peace treaty between the Democratic People's Republic of Korea and the United States (1970s), the tripartite talks proposal to include south Korea in the Democratic People's Republic of Korea-United States talks (1980s) and the proposal for the establishment of a new peace mechanism (1990s).

The Democratic People's Republic of Korea, China, the United States and south Korea sat for the four-party talks in the late 1990s to set up a lasting peace regime on the Korean peninsula. However, the talks could not produce any result, due to the absence of sincerity on the United States side.

At the beginning of the new century, the Democratic People's Republic of Korea proposed that the signatories to the Korean Armistice Agreement sit together to discuss declaring the end of the war and that the talks should be held to replace the Armistice Agreement with a peace treaty on the occasion of the sixtieth anniversary of the outbreak of the Korean War (Declaration for the development of North-South relations and peace and prosperity, 4 October 2007, and Statement of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, 11 January 2010). However, the United States turned a blind eye to all the above proposals.

The United States remains unchanged in its dogged position as regards the peace proposals of the Democratic People's Republic of Korea; the United States position is that the conclusion of a peace treaty is premature and the ceasefire regime is to be maintained. This means that the United States would continue to regard the Democratic People's Republic of Korea as its enemy and as a warring party.

The United States has an array of different categories of war plans and scenarios targeting the Democratic People's Republic of Korea, such as "OPLAN 5029", "OPLAN 5030", "OPLAN 5012", etc.; all these plans are for an armed invasion of the Democratic People's Republic of Korea and the setting up of its military rule.

It is pursuant to these war plans that the United States keeps on conducting various kinds of joint military exercises, such as "Focus Retina", "Freedom Bolt",

"Team Spirit", "RSOI", "Key Resolve", "Foal Eagle", "Ulji Freedom Guardian", etc. All the above exercises seek to achieve the same goal but are conducted under different names.

The United States economic sanctions against the Democratic People's Republic of Korea are an important tool for the pursuit of its long-standing hostile policy towards the Democratic People's Republic of Korea.

The United States curtails trade with the Democratic People's Republic of Korea and imposes all sorts of economic sanctions on such accusations that the Democratic People's Republic of Korea threatens regional stability, does not cooperate with the United States in its anti-terrorism efforts and engages in proliferation of weapons of mass destruction, and that the Democratic People's Republic of Korea is a communist State, a non-market economy, etc. (United States Congressional Research Service Report, 25 April 2011).

In particular, economic sanctions imposed on the Democratic People's Republic of Korea before the rise of the nuclear issue have nothing to do with the nuclear issue and merely reflect the hostile concept of the United States towards the Democratic People's Republic of Korea.

Having defined the Democratic People's Republic of Korea as a "Marxist-Leninist state with a communist government", the United States has long maintained sanctions against the Democratic People's Republic of Korea (Export-Import Bank Act of 1945, as amended, and Foreign Assistance Act of 1961).

The United States began to apply the Trading with the Enemy Act to the Democratic People's Republic of Korea in December 1950. A few days later, the United States Department of the Treasury issued Foreign Assets Control Regulations to forbid any financial transactions involving, or on behalf of, the Democratic People's Republic of Korea.

On 26 June 2008, more than half a century later, the then United States President Bush took measures to terminate the application of the Trading with the Enemy Act as regards the Democratic People's Republic of Korea, pursuant to the agreement reached at the six-party talks. However, on the same day, Bush declared a state of emergency, saying that the weapons-usable fissile material in the possession of the Democratic People's Republic of Korea constitutes an unusual and extraordinary threat to the security of the United States and that other provisions of sanctions on the Democratic People's Republic of Korea should remain effective under the terms of the International Emergency Economic Powers Act and the National Emergencies Act. It meant that all property and interests of the Democratic People's Republic of Korea which had been blocked as of 16 June 2000 would remain blocked and that a United States national would not be allowed to register, own, lease, operate or insure a vessel flying the flag of the Democratic People's Republic of Korea.

The effectiveness of this measure has been intensified and extended annually by President Obama, who issued two Executive Orders — No. 13551 (August 2010) and No. 13570 (April 2011). It means that the Trading with the Enemy Act — nominally no longer applicable to the Democratic People's Republic of Korea — actually continues to maintain its effect under a different name.

The Trade Agreements Extension Act of the United States required the suspension of most-favoured-nation trade status for all communist countries. However, this Act was applied to the Democratic People's Republic of Korea as early as 1 September 1951 — long before the establishment of the socialist system in the Democratic People's Republic of Korea. As a result, the Democratic People's Republic of Korea was denied normal trade relations with the United States.

The Democratic People's Republic of Korea tops the list of countries to which the United States applies its highest tariff rate. This means that the Democratic People's Republic of Korea would have to pay the highest tariff if it is to export its products to the United States. The Democratic People's Republic of Korea and Cuba are the only countries to which the United States applies this rule. The Trade Act of 1974 defined the Democratic People's Republic of Korea as a communist State. Therefore, the Democratic People's Republic of Korea is denied mutually preferential treatment in trade relations with the United States.

The extent of the obsession with the hostile concept towards the Democratic People's Republic of Korea on the part of the United States finds clear expression in the terms and provisions of the United States-instigated United Nations Security Council resolution adopted in the wake of the Democratic People's Republic of Korea's first nuclear test. The United States sneaked a provision that banned the export and import of luxury goods as regards the Democratic People's Republic of Korea — a provision that has no relevance at all to the nuclear issue — into the resolution and rushed it through. It was a mean and foolish plot to undermine the reputation of our supreme leadership and drive a wedge between the leadership and our people.

Although the United States nominally removed the Democratic People's Republic of Korea from the list of State sponsors of terrorism on 11 October 2008, under the agreement reached in the course of the six-party talks, no sanctions on the Democratic People's Republic of Korea had actually been eased or lifted in effect because those sanctions are overlapped by different United States domestic laws under different pretexts.

The sanctions listed above are only the tip of the iceberg of the economic sanctions which the United States applies to the Democratic People's Republic of Korea.

According to the 2006 statistics published by the United States Congressional Research Service, the United States imposes some 40 different kinds of sanctions on the Democratic People's Republic of Korea; however, only a quarter or so of these sanctions are based on the difference in political systems.

The remaining three quarters of the sanctions — sanctions under the pretext of "threat to the security of the United States", "proliferation of weapons of mass destruction", "sponsor of terrorism", "human rights", "religious freedom", "money-laundering", "missile development", "human trafficking", etc., many of which are based on absurd allegations — are applied at the discretion of the United States President or relevant departments of the United States administration.

This points to the unjustifiable discrepancy between the words and the deeds of the United States administration that claims to have "no hostile intent".

Since the root cause — the hostile concept — remains, it will take more than words to remove it.

3. Renunciation of the hostile policy is a prerequisite for the settlement of the nuclear issue

The hostile policy pursued by the United States makes the prospect of denuclearizing the Korean peninsula all the more gloomy.

At the present stage, there is no possibility of the United States giving up its hostile policy towards the Democratic People's Republic of Korea. The actions taken by the United States towards the Democratic People's Republic of Korea grow more hostile day by day, despite the claims made by the United States authorities that they have "no hostile intent" towards the Democratic People's Republic of Korea.

In April this year, they flagrantly violated the sovereignty of the Democratic People's Republic of Korea by unjustly challenging our peaceful satellite launch. In the wake of this, there occurred an unprecedented incident: the United States army stationed in south Korea fired live bullets at the Democratic People's Republic of Korea national flag, using it as a target.

This was followed by an extreme provocative action on the part of the United States intelligence institution which manipulated the south Korean intelligence plot-breeding agency to fabricate a plot to demolish statues of the peerlessly great persons of Mount Paektu. At the same time, the bilateral and tripartite aggression war exercises are on the increase between the United States and its followers in and around the Korean peninsula, and their offensive nature and scope are being steadily expanded and strengthened.

All facts show that the intensity of the hostility of the United States towards the Democratic People's Republic of Korea is being escalated.

This has a nexus with the new defence strategy of the United States made public by the Obama administration on 5 January 2012.

This strategy envisages increasing the United States armed forces in the Asia-Pacific region to the level of 60 per cent of all its military personnel stationed abroad by way of a 10 per cent drawdown of its armed forces stationed in Europe by 2020.

In general, the arms build-up necessitates justification of the "existence or threat of the enemy". The only country that the United States can consider as its enemy in North-East Asia is the Democratic People's Republic of Korea. Each of the big countries normally would not describe one of the others as an enemy. This means that the United States will perceive the Democratic People's Republic of Korea as its enemy for the purpose of augmenting its armed forces for a long enough time to enable it to realize its new defence strategy.

In addition, the new defence strategy does not guarantee that the United States will not occupy the whole Korean peninsula through a direct armed invasion, in order to form its military encirclement around the big countries in Eurasia.

The prevailing situation urges the Democratic People's Republic of Korea to prevent the recurrence of war in the Korean peninsula by all means and carry out thoroughgoing preparations to wage a war for national reunification, in case such a war is inevitably forced upon us.

This is the motive and backdrop for us to completely re-examine our nuclear issue.

The United States has two paths before it.

One path is to make bold and fundamental change in its Cold War mindset to renounce its anachronistic policy towards the Democratic People's Republic of Korea, and thus contribute to the peace and security in the Korean peninsula and pave the way for ensuring its own security.

If the United States shows such courage in action, we will be willing to respond to it.

The great leader Comrade Kim Jong Il said on 4 August 1997 that we did not intend to regard the United States as a sworn enemy, but wished for the normalization of Democratic People's Republic of Korea-United States relations.

The respected Marshal Kim Jong Un wants to open up a new chapter for the development of relations with the countries friendly towards us, unbound from the past.

Another path is to continue the hostile United States policy as of today, resulting in further expansion and building-up of the Democratic People's Republic of Korea's nuclear arsenal.

If the United States seeks to serve its further interests at the cost of sacrificing the Democratic People's Republic of Korea's interests, it will be inevitably met by a strong response from the Democratic People's Republic of Korea.

The Democratic People's Republic of Korea has already emerged as a full-fledged nuclear-weapons State, and the era when the United States threatened the Democratic People's Republic of Korea with the atomic bomb has gone by. We will not sit idle watching the increased hostile moves of the United States, but will make every effort to defend the destiny of the country and the nation.

It would be a great mistake to regard our strong position as a kind of tactic.

We opted for building up our nuclear deterrent, not because we wanted to trade it off for something, but because we had to counter the moves of the United States, the biggest nuclear power in the world, aimed at eliminating the Democratic People's Republic of Korea.

Our nuclear deterrent for self-defence is a treasured sword that prevents war and ensures peace and stability on the Korean peninsula.

If the United States does not make the correct choice, the Democratic People's Republic of Korea's nuclear possession will inevitably be prolonged, modernizing and expanding its nuclear deterrent capability beyond the imagination of the United States.

Pyongyang, 31 August 2012